

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE ANTONIO GARCIA,

Defendant.

4:14-CR-3046

FINAL ORDER OF FORFEITURE

This matter is before the Court on the plaintiff's Motion for Final Order of Forfeiture (filing [59](#)). On October 8, 2014, the Court entered a Preliminary Order of Forfeiture (filing [44](#)) pursuant to [21 U.S.C. § 853](#), based upon the defendant's plea of guilty to violating [21 U.S.C. §§ 841](#) and [846](#) and his admission of the forfeiture allegation contained in the indictment (filing [1](#)). By way of the Preliminary Order of Forfeiture, the defendant forfeited to the plaintiff his interest in one 2009 Freightliner semi-tractor, VIN# 1FUJBBCKX9DAG5605 (the "subject property").

As directed by the Preliminary Order, a Notice of Criminal Forfeiture was posted on an official internet government forfeiture site, www.forfeiture.gov, for at least 30 consecutive days, beginning on October 10, 2014, as required by [Rule G\(4\)\(a\)](#) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. A Declaration of Publication (filing [56](#)) was filed on January 14, 2015. The plaintiff also provided notice to claimant Atlas Capital, Inc, which had a perfected security interest in the subject property. Atlas filed a petition, setting forth the terms of its perfected security interest in the subject property. Filing [47](#).

On January 20, 2015, the Court entered an Order (filing [58](#)) approving the stipulation between the plaintiff and Atlas (filing [57](#)). Pursuant to that stipulation and Order, the subject property has been sold at public auction, and Atlas Capital has been paid the amount it was owed. The U.S. Marshals Services holds the remainder of the sale proceeds, \$26,385.63. Filing [60-1](#).

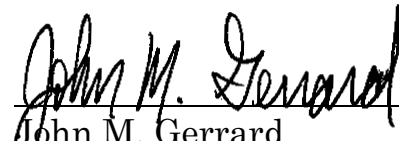
The Court has been advised by the plaintiff that no other petitions have been filed, and after reviewing the record, the Court finds that no other petitions have been filed. Accordingly,

IT IS ORDERED:

1. The plaintiff's Motion for Final Order of Forfeiture (filing [59](#)) is granted.
2. All right, title, and interest in and to the net sale proceeds of the subject property, \$26,385.63, held by any person or entity, are hereby forever barred and foreclosed.
3. The \$26,385.63 described above is forfeited to the plaintiff.
4. The plaintiff is directed to dispose of the sum described above in accordance with law.

Dated this 18th day of May, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge